

VIA FACSIMILE - 703-308-6778

Kreiser 1089-KGB
001602us/JH/mlIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : FLORIAN KERN ET AL
SERIAL NO. : 09/600,564
FILED : November 7, 2000
FOR : METHOD FOR IDENTIFYING T-CELL STIMULATING
PROTEIN FRAGMENTS
ART UNIT : 1641
EXAMINER : GAIENE GABEL

July 18, 2003

Office of Finance
Commissioner for Patents
P.O. Box 1450
Arlington VA 22313

REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

1. REFUND REQUEST

This is a request for a refund, with respect to the charge of \$410.00 for a two month extension of time charged to Deposit Account No. 14-1263, shown on the statement dated April 30, 2003, for the above identified patent application. A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

FLORIAN KERN, ET AL
USSN 09/600,564**II. FEES CHARGED FOR WHICH REFUND REQUESTED**Two Month Extension of Time \$410.00TOTAL REFUND REQUESTED \$410.00**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

A two months extension of time was charged for Applicants' response to the Office Action dated January 28, 2003. The period for reply to said Office Action was set for three (3) months from the mailing date of the communication. Applicants timely filed a response on April 28, 2003, and was incorrectly charged a fee for two months extension of time. Copies of the Office Action and the auto-reply facsimile transmission showing receipt of said response is attached.

IV. MANNER OF REFUND

Please make refund by crediting Deposit Account No. 14-1263.

Early and favorable action is earnestly solicited.

Respectfully submitted,
NORRIS MCLAUGHLIN & MARCUS, P.A.By 
Kurt G. Briscoe
Reg. No. 33,141220 East 42nd Street - 30th Floor
New York, New York 10017
Phone: (212) 808-0700
Fax: (212) 808-0844**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the foregoing Request for Refund, copy of deposit account statement, Auto-Reply Facsimile Transmission, and Office Action dated January 28, 2003 (6 pages total) is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: July 18, 2003

By 
Kurt G. Briscoe



UNITED STATES PATENT AND TRADEMARK OFFICE

Kreiser 1089-KGB

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,564	11/07/2000	Elmer Kern	KREISLER1089	5234

7590 01/23/2003
Norris McLaughlin & Marcus
220 East 42nd Street
30th floor
New York, NY 10017Patricia
RHH due
4-28-03

EXAMINER

GABEL, GAIENE

ART UNIT PAPER NUMBER

1641

DATE MAILED: 01/28/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/600,564

Applicant(s)

KERN ET AL.

Examiner

Gailene R. Gabel

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 14-26 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

04/28/03 16:00:35

USPTO-->

212 880 8844 JltFAX

Page 001

To: Auto-reply fax to 212 808 0844 COMPANY:

Auto-R ply Facsimile Transmission



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TRADEMARK OFFICE

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3 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMPE) section 306 et seq.

Received
Cover
Page

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04/28/03 16:00 FAX 212 808 0844 NMM NEW YORK 001	
Kreblar 1089-KGB 001802uz/JH/ml	
<u>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</u>	
APPLICANTS :	FLORIAN KERN ET AL
SERIAL NO. :	09/800,564
FILED :	November 7, 2000
FOR :	METHOD FOR IDENTIFYING T-CELL STIMULATING PROTEIN FRAGMENTS
ART UNIT :	1541
EXAMINER :	G. Gabai
April 28, 2003	
Hon. Commissioner of Patents Washington, D.C. 20231	
<u>RESPONSE TO RESTRICTION REQUIREMENT</u>	
SIR:	
In response to the restriction requirement dated January 28, 2003, Applicants hereby elect with traverse to prosecute the invention of Group I comprising claims 14-22.	
<u>CONDITIONAL PETITION FOR EXTENSION OF TIME</u>	
If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1253.	

Deposit Account Statement

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04/28 24	09639264	BEIERSDORF64	1801	\$750.00	\$34,084.0
04/28 25	09436171	BEIERSDORF 5	1801	\$750.00	\$33,314.0
04/28 213	10399839	102792-121	1613	\$900.00	\$32,414.0
04/29 1	09889183	72.049	1252	\$410.00	\$32,004.0
04/29 1	09744494	BEIERSDORF70	1251	\$110.00	\$31,894.0
04/29 4	10399838	101215-134	2613	\$450.00	\$31,444.0
* 04/29 9	P-107438		1450	\$130.00	\$31,314.0
* 04/29 10	P-107438		1450	\$130.00	\$31,184.0
04/29 40	10423788	101769-212TESAAG1594(WCG)	1001	\$750.00	\$30,434.0
* 04/29 79	5054197		1553	\$3,150.00	\$27,284.0
* 04/29 174	09261655	BAYER 10,166	1501	\$1,300.00	\$25,984.0
04/29 175	09261655	BAYER 10,166	8001	\$6.00	\$25,978.0
04/29 290	09732388	HERAEUS 380-	1501	\$1,300.00	\$24,678.0
04/29 291	09732388	HERAEUS 380-	1504	\$300.00	\$24,378.0
04/29 292	09732388	HERAEUS 380-	8001	\$6.00	\$24,372.0
04/29 293	09496014	DCR 206-WCG	2501	\$650.00	\$23,722.0
04/29 294	09496014	DCR 206-WCG	8001	\$6.00	\$23,716.0
04/29 295	09537144	BAYER.10078.	1501	\$1,300.00	\$22,416.0
04/29 296	09537144	BAYER.10078.	8001	\$6.00	\$22,410.0
04/29 297	09826187	MO-6070/WW-6	1501	\$1,300.00	\$21,110.0
04/29 298	09826187	MO-6070/WW-5	1504	\$300.00	\$20,810.0
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04/29 300	09993075	101221-588	1501	\$1,300.00	\$19,504.0
04/29 301	09993075	101221-598	1504	\$300.00	\$19,204.0
04/29 311	09744496	100718-279	1501	\$1,300.00	\$17,904.0
04/29 312	09744496	100718-279	8001	\$8.00	\$17,898.0
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04/29 320	10049013	METAL 1291-W	8001	\$6.00	\$16,592.0
* 04/30 1	09719320	BAYER10,218- 100717-481	1253	\$930.00	\$15,662.0
04/30 2	10258246	100727-36/HERAEUS394KGB	1617	\$130.00	\$15,532.0
* 04/30 11	09600564	KREISLER 1089	1252	\$410.00	\$15,122.0
04/30 22	10354564	TESA 1584-WCG	8021	\$40.00	\$15,082.0
04/30 25	10424612	102790-13	1001	\$750.00	\$14,332.0
04/30 31	6174601		8021	\$1,200.00	\$13,132.0
04/30 42	09656369	101215-18	8021	\$40.00	\$13,092.0
04/30 50	PAYMENT		9203	-\$20,000.00	\$33,092.0
04/30 58	09988919	101403-7	1801	\$750.00	\$32,342.0
* 04/30 790	78243680	101134-8	7001	\$335.00	\$32,007.0
* 04/30 801	78243670	101134-7	7001	\$335.00	\$31,672.0

START SUM OF
BALANCE CHARGES
\$8,093.00 \$107,861.00

SUM OF END
REPLENISH BALANCE
\$131,440.00 \$31,672.00

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